

ROBINSON et al.  
Serial No. 10/568,496  
July 28, 2009

### **REMARKS/ARGUMENTS**

Claims 2-11 and 13-22 now stand in the present application, claims 2-11, 13, 15-18, 20 and 21 having been amended, claims 1 and 12 having been canceled and new claims 22 and 23 having been added. Reconsideration and favorable action is respectfully requested in view of the above amendments and the following remarks.

As noted above, Applicants have canceled independent claims 1 and 12. Independent claim 20 has been amended to overcome the Examiner's objection and a new independent claim 22 which substantially corresponds to independent claim 20 but which is directed to an apparatus, has been added. Finally, all dependent claims have been amended to depend from either independent claim 20 or 21.

Since the Examiner's double patenting rejection was asserted only against independent claim 1, and not independent claims 20, the Examiner's double patenting rejection is believed to be moot.

Beginning at page 18 of the Office Action, the Examiner discusses the rejection of claims 20 and 21 based on Billhartz and Baran and further in view of Ashwood-Smith et al. ("Ashwood-Smith") It is noted that the heading on page 18 incorrectly identifies the rejected claims as 9-10 and 17-18, however, this is believed to be a typographical error since the rejections of claims 20 and 21 are discussed based upon these references. Applicants respectfully traverse the rejections of claims 20 and 21 based on a

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combination of Billhartz and Baran and further in view of Ashwood-Smith, because Ashwood-Smith does not constitute prior art against the present case.

More particularly, Ashwood-Smith was filed on March 19, 2004 and Applicants' invention claims priority from GB Application 0321096.0 which was filed on September 9, 2003. Accordingly, Ashwood-Smith does not constitute prior art against present claims 20 and 21. Moreover, as noted above, new independent apparatus claim 22 substantially corresponds to independent method claim 20 and all of the dependent claims remaining in the present case now depend from either claim 20 or claim 22. Accordingly, all of the claims remaining in this case are in condition for allowance since a valid combination of prior art has not been asserted against any of them.

With respect to the canceled claims, Applicants reserve the right to re-file these claims in a subsequent application.

Therefore, in view of the above amendments and remarks, it is respectfully requested that the application be reconsidered and that all of claims 2-11 and 13-22, now standing in the application, be allowed and that the case be passed to issue. If there are any other issues remaining which the Examiner believes could be resolved through either a supplemental response or an Examiner's amendment, the Examiner is respectfully requested to contact the undersigned at the local telephone exchange indicated below.

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Respectfully submitted,

**NIXON & VANDERHYE P.C.**

By: \_\_\_\_\_

A handwritten signature in black ink, appearing to read 'Chris Comuntzis', is written over a horizontal line.

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